

David Evans  
10830 Minette Drive  
Cupertino, California 95014  
Plaintiff in Pro Per (with a little help)

**UNITED STATES DISTRICT COURT  
DISTRICT OF NORTHERN CALIFORNIA  
SAN JOSE DIVISION**

**David Evans, et. al**

**Plaintiffs**

**Vs.**

**David Hurd, et. al**

**Defendants**

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**EX PARTE MOTIONS FOR SET  
ASIDE A DEFAULT AND/OR THE  
DEFAULT JUDGMENT OR STAY OF  
EXECUTION; ORDER**

Plaintiff, David Evans, hereby moves this Court for an ex parte order for a set aside a default and/or the default Judgment or Stay of Execution on the Superior Court of the State of California County of Santa Clara in case number 108cv110903 (Entitled David Hurd, Duanne Hurd vs. David Evans et al) in order to void an extreme hardship upon Plaintiff. This Motion is based on Plaintiffs Declaration and all documents submitted herein.



David Evans in Pro Per

Date: August 7, 2008

**UNITED STATES DISTRICT COURT  
DISTRICT OF NORTHERN CALIFORNIA  
SAN JOSE DIVISION**

**ORDER**

**Good cause appearing:**

**IT IS ORDERED** that there shall be no further action taken by Plaintiff(s) or by anyone acting for or in concert with Plaintiff(s), including the Sheriff of the Santa Clara County, to enforce or execute the judgment previously entered against Defendant in the entitled action of David Hurd, et. al vs. David Evans in case number 108 CV 110903 filed in the Superior Court of California in the County of Santa Clara.

**A copy of this order shall be served on the Plaintiff attorney and filed in the Superior Court of California in the above entitled case.**

**It is also ordered that the Superior Court of California must accept this order and file it without pre payment of fees or waiver of any filing fees by the defendant.**

Date: \_\_\_\_\_

\_\_\_\_\_  
U.S. DISTRICT COURT JUDGE

I will not be accepting papers that are placed under a rock as service as this is something I have previously wrote you about. My roommates were both out of state and I found that my door was unlocked as I had locked it when I went off to work, so I am assuming you tried to come in and were stop by my dog. Though my dog is friendly he is also a guard dog by nature and I do not think it would be wise to try to get in.

I will hold you personally liable if anything happens to my dog or property. I work during the day and cannot afford to stay home to let you in when you think you have a right to come in. This I think is an illegal entry and you left a message on my cell phone saying you were planning on such an entry. Please inform me in writing of such request as this relationship has turned legal.

You might want to inform your attorney and your wife, that the courts and the IRS are not going to like the fact that you are not claiming those unauthorized tenants and me as renters (I believe) as you want the law to work for you in this matter and I want reasonable time to get out as a renter who is forced to move and under a lot of stress, as I had to take off work last Tuesday and Wednesday for this stress. Which I have to take medication for as I have had two panic attacks that lead to two emergency room visit in the past year. As you claimed you were nice guy who took me off the street after I paid you 6 months fee up front because I had a big dog. Now I do not have that 6 months rent to pay, so it is going to take some time to find a house in the area... Please advise your attorney of this phone call that you made and left on my phone, as I believe, this is harassment! And will come out in court documents as you and your attorney try to drag my name down in court documents.

As I said before I was shocked that you gave me a 30 day notice on the 17<sup>th</sup> of March when I had not been late on any payments and what I believe was over \$100 rent increase that you wanted me to pay as you gave me a 15 day notice on that too. Though you also wanted to charge a \$10 late fee per day on utility bills that I was not willing to sign off on either. Then you have increased that fee to \$20.00 you had and charged me \$50 on this 3-day notice to pay, and found out that this was not legal, so you recent this in the same manner, as I find this is kind of harassment. I really do not want to make this worse than it already is.

If you want to look at the house, you and I have to arrange a time on my time off on the weekend where you can come in as I take my dog out for an hour, or you can pay my roommate \$300 to take the day off and wait for you to come by when he is in town. I will inform my roommates. As one is somewhere in Reno, Nevada and the other one is in Vancouver, Canada. I do not want you to harass my roommates like you are doing to me.

If you have to persist in this manner, please look by the mailbox for a red pin as I have stuck it in the wall so you can pin up your legal documents and not place them under rocks. I have or will instruct those so-called "unauthorized tenants" of this 3-day notice document as you have instructed me to go to E-bay and rent rooms, so I do not understand why you claim they are unauthorized.

Again I am looking for a home that would take a dog and when I find and sign a document to move in, I will let you know when I move out. It will not help to give me bad credit at this time and it will make both of us combative. Realize that this is what happens sometime when things go bad.

David Evens

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I provided him a place to put them with a pin. But he continued to harassing me and threatening me with legal action. I told him I was moving out in May but need some time, as any juror would understand that it hard to move a 3/2 home on a 30 day notice, that is why California has required